

2. The Macks' claims against Avertest are **DISMISSED WITHOUT PREJUDICE** to the Macks seeking relief in the appropriate state court as the court declines to exercise jurisdiction over the state law claims raised against Avertest;

3. Avertest's motion to dismiss (Doc. No. 16) is **DENIED AS MOOT**; and

4. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.